

Intellectual Property Protection (Computer Software Piracy) Model Policy

Effective Date:

Purpose

The purpose of this policy is to:

1. Adopt procedures to prevent the unlawful acquisition, reproduction, distribution or transmission of computer software and other copyrighted and licensed materials; and
2. Inform employees of their obligations with respect to use of copyrighted and licensed materials.

Licensing and Copyright Laws

Licensing and copyright laws govern the purchase, lease, license, and use of copyrighted materials such as computer software, audio and video recordings, printed matter, and data captured in various other media. Most licenses and copyright restrictions prohibit the copying of the subject material.

Most computer software has licensing or copyright restrictions that prohibit use or copying without the authorization of the copyright holder. The Copyright Act provides an exception to the prohibition against copying. 17 U.S.C. §117 allows a licensee to make a copy of software for backup, archival purposes and in the course of maintaining or repairing the computer. For purposes of computer software, copying includes loading the software into the random access memory (RAM) when the computer is booted up or downloading software from an Internet website.

Generally, an employee must obtain written permission from the copyright owner or licensor before using or copying copyrighted materials or software.

Employee Responsibility

Employees shall comply with the terms and conditions of all licensing agreements and the provisions of the Copyright Act and other applicable laws. It is against (agency name) policy to copy or reproduce software on agency computing equipment, except as allowed by law or permitted by the software license. All (agency name) employees will:

1. Not use unauthorized copies of software on (agency name) owned computers whether the equipment is located at the workplace or in the employee's home;

2. Not use copies of software licensed to (agency name) on employee-owned computers used for work related activities located in the employee's home without prior authorization from the appropriate approval authority;
3. Be responsible for familiarizing themselves with license and copyright obligations relating to their working materials; and
4. Cooperate and share information with other agencies that may be helpful in combating the unlawful use of computer software and other copyrighted material.

For additional information on copyright law in general or a specific license agreement, employees can consult with their Contracts Office or the Contracts and Legal Affairs Office.

Monitoring and Administration

Each executive team member shall establish procedures to ensure that its use of computer software in their division complies with the law and applicable licensing agreements. These procedures shall include:

1. preparing inventories of software present on the agency's computers and (agency name) licensed software that has been loaded onto employee home computers used for work related activities;
2. determining what computer software the agency has the authorization to use; and
3. developing and maintaining adequate record-keeping systems.

Each division is responsible for ensuring the results of their division inventory are entered into and kept up to date in the central inventory database developed and maintained by LAN Services.

Transfer and Disposal of Computers

To ensure that software licenses and copyright laws are not violated when a computer is transferred within (agency name) or externally disposed of, such transfers and disposals shall be closely monitored by supervisors and executive team members. The following procedures shall be followed when there is a transfer or disposal of a (agency name) computer.

1. Internal transfer. All licensed software will be retained by the donating division on any internal transfer. When LAN Services installs the transferred computer at the receiving location, the computer will be reformatted and all software necessary to meet the business needs of the recipient will be inventoried and reinstalled by LAN Services. All licensed software will remain with the originating division unless special provisions are made to transfer the licenses.

2. External Disposal. All computers that are externally disposed of shall be cleaned of all (agency name) files and software licensed to (agency name). Assigned (Agency Name) staff will re-format or remove and destroy all hard drives that are received for surplus. To ensure that all computers are properly prepared for disposal outside of (agency name), contact (name of agency division) for assistance.

Sanctions

Unauthorized use of software is regarded as a serious matter, and any such use is without the consent of (agency name). Employees who duplicate copyrighted material without authorization may be subject to civil liability. (Agency name) will not defend or indemnify employees in copyright violation suits if the violation resulted from willful negligence.

References

Title 17, United States Code (Copyright Act)

Executive Order 00-02 (Computer Software Piracy)
